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SERVICE DATE – NOVEMBER 14, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 57 (Sub-No. 64X)

SOO LINE RAILROAD COMPANY—ABANDONMENT OF TRACKAGE LOCATED IN  
BURLEIGH COUNTY, N.D.

Decided: November 14, 2016

Soo Line Railroad Company d/b/a Canadian Pacific (Soo Line) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 0.9-mile line of railroad between milepost 417.99 +/- and milepost 418.89 +/- in Burleigh County, N.D. (Line). Notice of the exemption was served and published in the Federal Register on October 14, 2016. (81 Fed. Reg. 71,159). The exemption is scheduled to become effective on November 15, 2016.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on October 21, 2016. In the EA, OEA notes that it received several comments, including one from the North Dakota Department of Health (ND DOH). ND DOH states that environmental impacts associated with the proposed abandonment would be minor and mitigated during salvage operations by properly controlling fugitive dust, asbestos removal, erosion and spills, runoff, and noise levels, as well as appropriately handling any newly discovered releases. In response, OEA recommends a condition requiring Soo Line to consult with ND DOH prior to beginning any salvage activities regarding state regulations for fugitive dust emissions and asbestos removal; proper control of runoff, sedimentation, and spills; and noise level concerns, and to comply with ND DOH's reasonable requirements.

OEA issued its final EA on November 10, 2016, noting that no comments to the EA were received by the November 7, 2016 due date and reiterating its recommendation that the previously recommended condition be imposed. Accordingly, the condition recommended by OEA in the EA will be imposed.

Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on October 14, 2016, exempting the abandonment of the Line described above, is subject to the condition that Soo Line shall consult with the North Dakota Department of Health prior to beginning any salvage activities regarding state regulations for fugitive dust emissions and asbestos removal; proper control of runoff, sedimentation, and spills; and noise level concerns, and shall comply with ND DOH's reasonable requirements.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.